IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

Civil Revision No. 2560 of 1986

Date of Decision: 1.11.2006

Darshan

Petitioner

Versus

Smt.Bhago and others

Respondents

CORAM:- **HON'BLE MR. JUSTICE JASBIR SINGH**

Present: **Shri Onkar Rai, Advocate for the petitioner**
Shri R.C.Dogra, Sr. Advocate with
Shri N.C.Doabia, Advocate for the respondents

Jasbir Singh, J. (Oral)

Parties were in dispute in civil suit No.154 of 1983 and after contest, decree was passed on 23.12.1983. The same was subsequently affirmed by the appellate Court. Thereafter, the respondents-plaintiffs filed an application under Sections 152, 153-A and 151 CPC with a prayer to effect correction in the decree sheet and also the plaint. That application was allowed on 6.5.1986. It is not in dispute that before passing the order, referred to above, no opportunity of hearing was granted to the petitioner. It is case of the petitioner that vide impugned order, his interest in the property has adversely been affected and if he was given an opportunity of hearing,

he would have shown to the Court that the respondents were not entitled to get share in the land, in dispute, as has been granted to them vide order dated 6.5.1986.

Perusal of the record indicates that when suit was filed, it was specifically mentioned in plaint that the plaintiffs were entitled to 3/7th share, in the suit property. However, after correction, it has come to 4/7th share. Under these circumstances, when relief granted has materially affected rights of the petitioner and when, while allowing application, correction was also allowed in the plaint, this Court feels that it was necessary for the Court below to give hearing to the petitioner. There is a complete violation of the principles of natural justice.

In view of this, the revision petition is allowed, order, under challenge, is set aside and the matter is remitted to the Court below for hearing on merits.

Parties are directed to appear before the Court below on 30.11.2006. It will be highly appreciated if the matter is disposed of within six months from the date when the parties put in appearance before the Court.

Registry is directed to send back the record immediately.

November 01, 2006 **(Jasbir Singh)**
gk **Judge**